



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 4, 2013

Ms. Jeri Yenne  
Criminal District Attorney  
Brazoria County  
111 East Locust Room, 408A  
Angleton, Texas 77515

OR2013-01943

Dear Ms. Yenne:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 478586.

The Brazoria County Juvenile Justice Center (the "center") received a request for policies and procedures related to parental visitation or accompaniment during post-arrest booking and processing and overnight detention of juveniles at the center. You state some of the requested information either has been or will be released. You claim other responsive information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted. We also have considered the comments we received from the requestor.<sup>1</sup>

The requestor contends, among other things, some of the submitted information is not responsive to the present request. We note a governmental body must make a good-faith effort to relate a request to responsive information that is within the governmental body's possession or control. *See* Open Records Decision No. 561 at 8-9 (1990). The center has submitted the information it considers to be responsive to the present request for information. Therefore, we will address the public availability of the submitted information.

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<sup>1</sup>See Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

The requestor also contends the center may not withhold the information at issue under section 552.108 of the Government Code because the information is subject to disclosure under section 552.022(a)(8) of the Government Code. Section 552.022(a)(8) provides for required public disclosure of "a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures[.]" unless the information is made confidential under the Act or other law. Gov't Code § 552.022(a)(8). We note section 552.108 is a discretionary exception to disclosure and does not make information confidential for purposes of section 552.022(a)(8). As we find the information at issue does not fall within the scope of section 552.022(a)(8), we will address the center's claim under section 552.108.

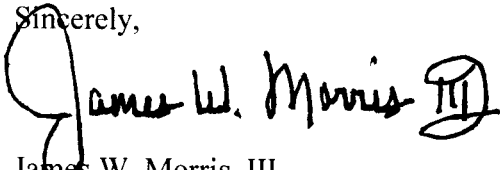
Section 552.108(b)(1) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" *Id.* § 552.108(b)(1). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *City of Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.). A governmental body claiming section 552.108(b)(1) must explain how and why release of the information at issue would interfere with law enforcement and crime prevention. *See* Gov't Code § 552.301(e)(1)(A); Open Records Decision No. 562 at 10 (1990). The statutory predecessor to section 552.108(b)(1) protected information that would reveal law enforcement techniques, but was not applicable to generally known policies and procedures. *See, e.g.*, Open Records Decision Nos. 531 (1989) (detailed use of force guidelines), 456 (1987) (information regarding location of off-duty police officers), 413 (1984) (sketch showing security measures to be used at next execution); *but see* Open Records Decision Nos. 531 at 2-3 (Penal Code provisions, common-law rules, and constitutional limitations on use of force not protected), 252 at 3 (1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

Although the center seeks to withhold Exhibits F and G and some of the information in Exhibit E under section 552.108(b)(1), we conclude the center has not specifically or sufficiently demonstrated how or why release of the information at issue would interfere with law enforcement or crime prevention. We therefore conclude the center may not withhold any of the submitted information under section 552.108(b)(1) of the Government Code. As the center claims no other exception to disclosure, all of the submitted information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large initial "J" and a stylized "III" at the end.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bhf

Ref: ID# 478586

Enc: Submitted documents

c: Requestor  
(w/o enclosures)